REMARKS

Claims 1-9 and 14-22 are pending. Claims 1, 14, 17, and 20 are independent claims. Claims 10-13 were previously cancelled without prejudice. Reconsideration and further examination of the above-referenced application are respectfully requested.

Claims 1, 2, 4-6, 8, and 9 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Barnes et al. (US 6,594,470 B1), hereinafter "Barnes," in view of Lee et al. (US 6,336,137 B1), hereinafter "Lee." Claims 3, 7, and 14-22 stand rejected under 35 USC 103(a) as allegedly being unpatentable over Barnes in view of Lee and further in view of Jorgensen (US Patent Application Publication No. US 2003/0067903 A1), hereinafter "Jorgensen." These contentions are respectfully traversed.

Claim 1 recites, "receiving on a wireless application protocol (WAP) terminal an interface to permit management of a network device; interacting with the interface to send a request to a WAP device manager resident on a WAP gateway to manage a network device based on the request; at the terminal, receiving a response from the WAP device manager; and managing a network device based on the interaction with the interface." (Emphasis added). The suggested combination of Barnes and Lee is improper.

Barnes describes enabling the remote supervision and operation of a call center over wireless network links. See, e.g., Barnes at Abstract. In this regard, Barnes states (See, Barnes, col. 3, line 66 to col. 4, line 6):

> ...a call center supervisor monitors and manages the call center 102 by operating a remote control transceiver 118 in communication with one or more data interfaces to the call center network 110 via wireless link 126. The wireless link 126 may be or include

radio frequency channels in communication with
wireless network server 136, mobile switching center
116 or other wireless ports. (Emphasis added).

A call center supervisor monitors and manages the call
center 102 using a remote transceiver 118 that interacts with
the call center 102. See, e.g., Barnes, Fig. 1. Thus, as
described and illustrated in Barnes, the remote control
transceiver 118 interacts with the call center 102 that is being
managed. Barnes does not describe or suggest a device manager
resident on a gateway for managing the call center 102 using the
remote control transceiver 118.

Further, the Office Action contends that Barnes teaches
receiving a response from the device manager. See, e.g., Office
Action, page 4, paragraph 2. This contention is respectfully
traversed. The cited portion of Barnes (Barnes, col. 4, lines
26-28) states:

> In step 222, the updated call center operations
> information is transmitted to the wireless network
> server 136 for formatting and transmission to the
> remote control transceiver 118. In step 224, the
> updated operations information is transmitted to the
> remote control transceiver 118, which displays the
> updated call center operations information on the user
> interface 120 to the supervisor. (Emphasis added).

Thus, as described in Barnes, responses are transmitted
from the device being managed, namely the call center 102, to
the remote control transceiver 118. Therefore, Barnes does not
describe, "receiving a response from the WAP device manager," as
recited in claim 1. Furthermore, the cited portion of Barnes
(Barnes, col. 9, line 9-16) states:

> Likewise, while the call center architecture of
> the invention has been described in terms of
> functionality being distributed between a call center
> server, a remote supervisor server, and other
> elements, it will be understood that the call center
> server, remote supervisor server, and other elements

may be combined in one computing or other resource, or be distributed amongst several other computing or other resources.

Barnes describes combining or distributing the architecture of the device being managed, namely the call center. Barnes does not describe or suggest introducing a device manager for the interactions between the remote control transceiver 118 and the call center 102. Thus, Barnes does not describe a device manager as recited in claim 1. Since Barnes does not describe a device manager resident on a gateway as claimed, the reliance on Barnes to teach a device manager resident on a gateway in the suggested combination of Barnes and Lee is improper.

Also, the Office Action acknowledges that Barnes does not describe a WAP gateway and a WAP device manager. See, e.g., Office Action, page 5, last paragraph. The Office Action contends that it would have been obvious to combine the teachings of Barnes and Lee to incorporate WAP into the gateway of Barnes. The suggested combination of Barnes and Lee is improper.

As discussed previously, Barnes does not describe a device manager resident on a gateway, WAP or otherwise. Therefore, a suggested combination of Barnes and Lee would require incorporating Lee's WAP gateway into Barnes. Such an incorporation would render Barnes unsatisfactory for its intended purpose which is impermissible. The MPEP states (See, MPEP, Section 2143.01, V):

> If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

Lee describes client-server systems and methods for transferring data via a network between a server and one or more clients that are spatially distributed, and where at least one

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local client computer provides a user interface to interact with
at least one remote server computer which implements data
processing in response to the local client computer. See, e.g.,
Lee, col. 1, lines 7-14. Further, Lee states (Lee, col. 4,
lines 22-35):

> Clients that want to request a particular markup
> language route their requests to the appropriate
> directory. The system directs requests in those
> virtual directories to components that serve the
> correct markup language. This may be done
> dynamically. The server, who may include a web
> server, additional web server software, a web engine,
> and associated metadata repositories and tools,
> recovers information including browser-compatible
> views, applets, and templates from the metadata
> repository associated with the server. The server
> uses the browser compatible views, applets, and
> templates to render a page to the client including
> data, information and views in the language of the
> request. The rendered views are displayed in a
> language supported by the client or browser.
> (Emphasis added).

Thus, Lee describes using browser compatible views,
applets, and templates to render a page to the client including
data, information, and views in the language of the request. In
Lee, the WAP gateway (51) is not configured to manage a server.
In contrast, Lee describes directing requests in virtual
directories to components that serve the correct markup
language. Lee does not describe or suggest managing the
WebServer (61) using WAP gateway (51) based on requests received
from WAP phone (41). See, e.g., Lee, Fig. 3.

Barnes describes managing the call center 102 by sending
requests from and receiving responses to the remote control
transceiver 118. Lee does not describe or suggest managing the
WebServer (61) using the WAP gateway (51). Incorporating Lee's
WAP gateway (51) into Barnes would not allow managing the call
center 102 using the remote control transceiver 118. A gateway

incorporated in Barnes should be capable of managing the call
center to satisfy the intended purpose of Barnes. Lee's WAP
gateway is not configured to manage the network device, namely a
call center, as required by Barnes.

Thus, the proposed incorporation of Lee's WAP gateway into
Barnes would render Barnes unsatisfactory for its intended
purpose of managing the call center. Since, according to the
MPEP, the proposed modification cannot render the prior art
unsatisfactory for its intended purpose, and since the suggested
combination of Barnes and Lee would render Barnes unsatisfactory
for its intended purpose of managing a call center, the
suggested combination of Barnes and Lee is improper.

Since the reliance on Barnes is improper and since the
suggested combination of Barnes and Lee, as suggested by the
Office Action, is improper, it is respectfully requested that
the rejection of claim 1 over the suggested combination of
Barnes and Lee under 35 USC 103(a) be withdrawn.

Accordingly, claim 1 should be allowable. Claims 2-9
should also be allowable at least for similar reasons and the
additional recitations that they contain. For example, claim 7
recites, "wherein the device is configured to be managed by
commands configured to comply with a simple network management
protocol." (Emphasis added). The Office Action suggests that
it would have been obvious to combine Barnes and Lee with
Jorgensen. The reliance on Jorgensen as a reference is improper
because Jorgensen is non-analogous art.

Jorgensen relates to a system and method for implementing
Quality of Service (QoS) aware wireless point-to-multi-point
transmission system. Jorgensen does not relate to managing a
network device as claimed. Further, the MPEP states (MPEP,
Section 2141.01(a), I):

"In order to rely on a reference as a basis for
rejection of an applicant's invention, the reference
must either be in the field of the applicant's
endeavor or, if not, then be reasonably pertinent to
the particular problem with which the inventor was
concerned." *In re Oetiker*, 977 F.2d 1443, 1446 24
USPQ 2d 1443, 1445 (Fed. Cir. 1992). (Emphasis
added).

In addition, the MPEP states (MPEP, Section 2141.01(a),
II), "…the court has found 'the similarities and differences in
structure and function of the inventions to carry far greater
weight.' *In re Ellis*, 476 F.2d 1370, 1372, 177 USPQ 526, 527
(CCPA 1973)." (Emphasis added). The function of the claimed
subject matter is managing the device by commands configured to
comply with a simple network management protocol. In contrast,
the function of Jorgensen is the use of packet switching in an
IP flow classification system that groups IP flows in a packet-
centric wireless point to multi-point telecommunication system
to make more efficient use of available bandwidth. Thus, the
function of the claimed subject matter is different from that of
Jorgensen. Therefore, Jorgensen is non-analogous art and the
suggested combination of Jorgensen with Barnes and Lee is
improper.

In fact, the proffered motivation to combine amounts to a
hindsight reconstruction using the Applicant's own disclosure as
a template, which is impermissible under the law. See In re
Gorman, 933 F.2d 982, 987, 18 USPQ2d 1885, 1888 (Fed. Cir.
1991). See also Interconnect Planning Corp. v. Feil, 774 F.2d
1132, 1138, 227 USPQ 543, 547 (Fed. Cir. 1985). The Federal
Circuit has previously stated that "[o]ne cannot use hindsight
reconstruction to pick and choose among isolated disclosures in
the prior art to deprecate the claimed invention." See In re
Fritsch, 23 U.S.P.Q. 2d 1780, 1784 (Fed. Cir. 1992), quoting In
re Fine, 837 F.2d at 1075, 5 USPQ2d at 1600.

Accordingly, claim 7 should be allowable.

Claim 14 recites, "providing to a wireless application protocol terminal an interface to permit management of a network device; sending, <u>from a wireless application protocol gateway</u>, simple network management protocol requests to the device based on wireless markup language requests received from the terminal; sending, <u>from a wireless application protocol gateway</u>, wireless markup language responses to the terminal based on simple network management protocol responses received from the device; and managing the device based on the requests and the responses."   (Emphasis added).

The Office Action contends that it would have been obvious to combine Barnes, Lee, and Jorgensen. This contention is respectfully traversed. As discussed previously, there is no motivation to combine Barnes and Lee because the suggested combination would render Barnes unsatisfactory for its intended use, which is impermissible. Further, the reliance on Barnes as a reference is improper. In addition, Jorgensen is non-analogous art. Therefore, the suggested combination of Barnes, Lee, and Jorgensen is improper, and it is respectfully requested that the rejection of claim 14 under 35 USC 103(a) over the suggested combination of Barnes, Lee, and Jorgensen be withdrawn. Accordingly, claim 14 should be allowable. Claims 15 and 16 should also be allowable at least for the same reasons and the additional recitations that they contain.

Claim 17 recites, "provide to a WAP terminal an interface configured to permit management of a network device; <u>send simple network management protocol requests to the device</u> based on wireless markup language requests received from the terminal; <u>send wireless markup language responses to the WAP terminal</u> based on simple network management protocol requests to the device based on wireless markup language requests received from

the terminal; send wireless markup language responses to the WAP
terminal based on simple network management protocol responses
received from the device; and manage the device based on the
requests and responses." (Emphasis added).

Thus, claim 17 should be allowable at least for reasons
similar to claim 14. Claims 18 and 19 should also be allowable
at least for similar reasons and the for the additional
recitations that they contain.

Claim 20 recites, "a first mechanism configured to receive
a request from a WAP terminal for managing a network device and,
based on the request, to send a simple network management
protocol request to the network device from the WAP gateway, and
a second mechanism configured to receive a simple network
management protocol response from the network device and, based
on the response, to send a response to the terminal from the WAP
gateway." (Emphasis added).

Thus, claim 20 should be allowable at least for reasons
similar to claim 14. Claims 21 and 22 should also be allowable
at least for similar reasons and the additional recitations that
they contain.

<div align="center">CONCLUSION</div>

It is believed that all of the pending claims have been
addressed. However, the absence of a reply to a specific
rejection, issue or comment does not signify agreement with or
concession of that rejection, issue or comment. In addition,
because the arguments made above may not be exhaustive, there
may be reasons for patentability of any or all pending claims
(or other claims) that have not been expressed. Finally,
nothing in this paper should be construed as an intent to
concede any issue with regard to any claim, except as
specifically stated in this paper, and the amendment of any

claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

In view of the foregoing amendments and remarks, Applicants respectfully submit that the application is in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

Applicant asks that all claims be allowed. Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Jan. 26, 2007

for Scott C. Harris
Reg. No. 32,030
Attorney for Intel Corporation

Fish & Richardson P.C.
PTO Customer No. 20985
12390 El Camino Real
San Diego, California 92130
(858) 678-5070 telephone
(858) 678-5099 facsimile

WILLIAM E. HUNTER
REG. NO 47,671

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